#### BEFORE THE BOARD OF PSYCHOLOGY DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA

In the Matter of the First Amended Accusation Against:	Case No. W243
EDUARDO S. URENDA 19919 Lassen Street Chatsworth, CA 91311	OAH No.
Psychological Assistant Registration	

Respondent.

#### **DECISION AND ORDER**

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Psychology, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall b	May 29,	2003		
		*		
It is so ORDERED	April 29, 2003			

FOR THE BOARD OF PSYCHOLOGY DEPARTMENT OF CONSUMER AFFAIRS PAMELA HARMELL, PH.D., PRESIDENT

1	BILL LOCKYER, Attorney General of the State of California		
2	TAYLOR SCHNEIDER, State Bar No. 91232 Deputy Attorney General		
3	California Department of Justice 300 So. Spring Street, Suite 1702		
4	Los Angeles, CA 90013		
5	Telephone: (213) 897-2687 Facsimile: (213) 897-1071		
6	Attorneys for Complainant		
7			
8	BEFORE T		
9	BOARD OF PSYCHOLOGY DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA		
10	STATE OF CAL	IFURNIA	
. 11	In the Matter of the Accusation Against:	Case No. W243	
12	EDUARDO S. URENDA	OAH No.	
13	19919 Lassen Street Chatsworth, CA 91311	STIPULATED SETTLEMENT AND	
14	Psychological Assistant Registration No. PSB 26364	DISCIPLINARY ORDER	
15			
16	Respondent.		
17			
18	In the interest of a prompt and speedy	settlement of this matter, consistent with	
19	the public interest and the responsibility of the Board of Psychology of the Department of		
20	Consumer Affairs, the parties hereby agree to the following Stipulated Settlement and		
21	Disciplinary Order which will be submitted to the Board for approval and adoption as the final		
22	disposition of the Accusation.		
23	<u>PARTIES</u>		
24	1. Thomas S. O'Connor (Compla	ninant) is the Executive Officer of the Board	
25	of Psychology. He brought this action solely in his official capacity and is represented in this		
26	matter by Bill Lockyer, Attorney General of the State of California, by Taylor Schneider, Deputy		
27	Attorney General.		
28	2. Respondent Eduardo S. Urend	la (Respondent) is represented in this	

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proceeding by attorney Kenneth E. Calkins, Esq., whose address is 7840 Foothill Blvd., Suite F, Sunland, CA 91040-2907.

3. On or about June 19, 1998, the Board of Psychology issued Psychological Assistant Registration No. PSB 26364, to Eduardo S. Urenda (Respondent). The Psychological Assistant Registration was in full force and effect at all times relevant to the charges brought in Accusation No. W243, and will expire on January 31, 2003, unless renewed.

#### **JURISDICTION**

4. Accusation No. W243 was filed before the Board of Psychology (Board), Department of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on October 9, 2002. A First Amended Accusation was filed and served on October 26, 2002. Respondent timely filed his Notice of Defense contesting the Accusation. A copy of First Amended Accusation No. W243 is attached as Exhibit A and incorporated herein by reference.

#### ADVISEMENT AND WAIVERS

- 5. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in First Amended Accusation No. W243. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.
- 6. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the First Amended Accusation; the right to be represented by counsel at his own expense; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.
- 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

#### **CULPABILITY**

- 8. Respondent admits the truth of each and every charge and allegation in First Amended Accusation No. W243.
- 9. Respondent agrees that his Psychological Assistant Registration is subject to discipline and he agrees to be bound by the Board of Psychology (Board) 's imposition of discipline as set forth in the Disciplinary Order below.

#### **CONTINGENCY**

- Respondent understands and agrees that counsel for Complainant and the staff of the Board of Psychology may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent or his counsel. By signing the stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.
- 11. The parties understand and agree that facsimile copies of this Stipulated Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same force and effect as the originals.
- 12. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

#### **DISCIPLINARY ORDER**

IT IS HEREBY ORDERED that Psychological Assistant Registration No. PSB 26364 issued to Respondent Eduardo S. Urenda is revoked. However, the revocation is stayed and Respondent is placed on probation for three (3) years on the following terms and conditions.

1. <u>COMMUNITY SERVICE - FREE SERVICES</u> Within 60 days of the

effective date of this decision, respondent shall submit to the Board or its designee for its prior approval a community service program in which respondent shall provide free psychological services, if approved supervision is obtained, or free non-psychological services if supervision is not available, on a regular basis to community, charitable facility, governmental entity or a non-profit corporation tax exempt under the Internal Revenue Code for at least eight (8) hours a month for the first 12 months of probation.

2. <u>COURSEWORK</u> Respondent shall take and successfully complete not less than six (6) hours each year of probation in the following area(s): Law and ethics, and psychological assistant/supervisor issues. Course work must be <u>preapproved</u> by the Board or its designee. All coursework shall be taken at the graduate level at an accredited educational institution or by an approved continuing education provider. Classroom attendance is specifically required; correspondence or home study coursework shall not count toward meeting this requirement. The coursework must be in addition to any continuing education courses that may be required for license renewal.

Within 90 days of the effective date of this Decision, respondent shall submit to the Board or its designee for its prior approval a plan for meeting the educational requirements. All costs of the coursework shall be paid by the respondent.

- 3. <u>ETHICS COURSE</u> Within 90 days of the effective date of this Decision, respondent shall submit to the Board or its designee for <u>prior approval</u> a course in laws and ethics as they relate to the practice of psychology. Said course must be successfully completed at an accredited educational institution or through a provider approved by the Board's accreditation agency for continuing education credit. Said course must be taken and completed within one year from the effective date of this Decision. The cost associated with the law and ethics course shall be paid by the respondent.
- 4. <u>INVESTIGATION/ENFORCEMENT COST RECOVERY</u> Respondent shall pay the Board its costs of investigation and enforcement in the amount of \$2,218.52 within the first year of probation. Such costs shall be payable to the Board of Psychology. Failure to pay such costs shall be considered a violation of probation.

	5.	PROBATION COSTS	Respondent sha	ll pay the costs associated with
probation mo	nitoring	geach and every year of p	robation. Such c	osts shall be payable to the Board
of Psycholog	y at the	end of each fiscal year (Ju	ıly 1 - June 30).	Failure to pay such costs shall be
considered a	violatio	n of probation.		

- 6. OBEY ALL LAWS Respondent shall obey all federal, state, and local laws and all regulations governing the practice of psychology in California including the ethical guidelines of the American Psychological Association. A full and detailed account of any and all violations of law shall be reported by the respondent to the Board or its designee in writing within seventy-two (72) hours of occurrence.
- 7. QUARTERLY REPORTS Respondent shall submit quarterly declarations under penalty of perjury on forms provided by the Board or its designee, stating whether there has been compliance with all the conditions of probation.
- 8. PROBATION COMPLIANCE Respondent shall comply with the Board's probation program and shall, upon reasonable notice, report to the assigned District Office of the Medical Board of California or other designated probation monitor. Respondent shall contact the assigned probation officer regarding any questions specific to the probation order. Respondent shall not have any unsolicited or unapproved contact with 1) complainants associated with the case; 2) Board members or members of its staff; or 3) persons serving the Board as expert evaluators.
- 9. <u>INTERVIEW WITH BOARD OR ITS DESIGNEE</u> Respondent shall appear in person for interviews with the Board or its designee upon request at various intervals and with reasonable notice.
- 10. <u>CHANGES OF EMPLOYMENT</u> Respondent shall notify the Board in writing, through the assigned probation officer, of any and all changes of employment, location, and address within 30 days of such change.
- 11. TOLLING FOR OUT-OF-STATE PRACTICE, RESIDENCE OR INSTATE NON-PRACTICE In the event respondent should leave California to reside or to
  practice outside the State or for any reason should respondent stop practicing psychology in

California, respondent shall notify the Board or its designee in writing within ten days of the dates of departure and return or the dates of non-practice within California. Non-practice is defined as any period of time exceeding thirty days in which respondent is not engaging in any activities defined in Sections 2902 and 2903 of the Business and Professions Code. Periods of temporary or permanent residency or practice outside California or of non-practice within California will not apply to the reduction of this probationary period., although the Board may allow respondent to complete certain terms of probation that are not associated with active practice.

- 12. <u>EMPLOYMENT AND SUPERVISION OF TRAINEES</u> If respondent is licensed as a psychologist, he/she shall not employ or supervise or apply to employ or supervise psychological assistants, interns or trainees during the course of this probation. Any such supervisorial relationship in existence on the effective date of this probation shall be terminated by respondent and/or the Board.
- 13. <u>FUTURE REGISTRATION OR LICENSURE</u> If respondent is currently registered as a psychological assistant and subsequently obtains other psychological assistant registrations or becomes licensed as a psychologist during the course of this probationary order, respondent agrees that this Decision shall remain in full force and effect until the probationary period is successfully terminated. Future registration or licensure shall not be approved, however, until respondent is currently in compliance with all of the terms and conditions of probation.
- 14. <u>VIOLATION OF PROBATION</u> If respondent violates probation in any respect, the Board may, after giving respondent notice and the opportunity to be heard, revoke probation and carry out the disciplinary order that was stayed. If an Accusation or Petition to Revoke Probation is filed against respondent during probation, the Board shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final. No Petition for Modification or Termination of Probation shall be considered while there is an Accusation or Petition to Revoke Probation pending against respondent.
  - 15. <u>COMPLETION OF PROBATION</u> Upon successful completion of

probation, respondent's registration or licensure shall be fully restored. **ACCEPTANCE** I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Kenneth E. Calkins. I understand the stipulation and the effect it will have on my Psychological Assistant Registration. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Psychology. DATED: 3-18-03 I have read and fully discussed with Respondent Eduardo S. Urenda the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content. DATED: 3 - 18-03 Attorney for Respondent // // // 

#### **ENDORSEMENT**

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Psychology of the Department of Consumer Affairs.

DATED: March 20, 2003.

BILL LOCKYER, Attorney General of the State of California

TAYLOR SCHNEEDER Deputy Attorney General

Attorneys for Complainant

DOJ Docket Number: 03598160-LA02 1812

# Exhibit A First Amended Accusation No. W243

DHA A OCHERT	
of the State of California	
Deputy Attorney General	•
California Department of Justice	
Los Angeles, CA 90013	FILED
Facsimile: (213) 897-1071	STATE OF CALIFORNIA BOARD OF PSYCHOLOGY
Attorneys for Complainant SA	CRAMENTO OCT ZI 2000 M. LOCICLOCCIOCANALYST
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DEPARTMENT OF CO	NSUMER AFFAIRS
STATE OF CA	LIFURNIA
In the Matter of the Amended Accusation	Case No. W243
19919 Lassen Street	AMENDED ACCUSATION
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Rosemead, CA 91770	
540 N. Golden Circle Drive, Suite 205	
26364 and 28182	
Respondent.	
Complainent alleges	
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solely in his official capacity as the Executive Officer of the Board of Psychology, Department	
	ne Board of Psychology (Board) issued
On or about October 3, 2000, the Board issued Psyc	chological Assistant Registration Number
	TAYLOR SCHNEIDER, State Bar No. 91232 Deputy Attorney General California Department of Justice 300 So. Spring Street, Suite 1702 Los Angeles, CA 90013 Telephone: (213) 897-2687 Facsimile: (213) 897-1071 Attorneys for Complainant  BEFORE BOARD OF PSY DEPARTMENT OF COI STATE OF CAI  In the Matter of the Amended Accusation Against:  EDUARDO S. URENDA 19919 Lassen Street Chatsworth, CA 91311  3907 Rosemead Blvd., Suite 100 Rosemead, CA 91770  540 N. Golden Circle Drive, Suite 205 Orange, CA 92705  Psychological Assistant Registration Nos. PSB 26364 and 28182  Respondent.  Complainant alleges:  PARTII  1. Thomas S. O'Connor (Completed) solely in his official capacity as the Executive Official Consumer Affairs.

PSB 28182 to Respondent. The Psychological Assistant Registrations were in full force and effect at all times relevant to the charges brought herein and will expire on January 31, 2003, unless renewed.

#### **JURISDICTION**

- 3. This Amended Accusation is brought before the Board, under the authority of the below mentioned statutes and regulations.<sup>1</sup>
  - 4. Section 2913 of the Code states:

"A person other than a licensed psychologist may be employed by a licensed psychologist, by a licensed physician and surgeon who is board certified in psychiatry by the American Board of Psychiatry and Neurology, by a clinic which provides mental health services under contract pursuant to Section 5614 of the Welfare and Institutions Code, by a psychological corporation, by a licensed psychology clinic as defined in Section 1204.1 of the Health and Safety Code, or by a medical corporation to perform limited psychological functions provided that all of the following apply:

- "(a) The person is termed a 'psychological assistant.'
- "(b) The person (1) has completed a master's degree in psychology or education with the field of specialization in psychology or counseling psychology, or (2) has been admitted to candidacy for a doctoral degree in psychology or education with the field of specialization in psychology or counseling psychology, after having satisfactorily completed three or more years of postgraduate education in psychology and having passed preliminary doctoral examinations, or (3) has completed a doctoral degree which qualifies for licensure under Section 2914, in an accredited or approved university, college, or professional school located in the United States or Canada.
  - "(c) The person is at all times under the immediate supervision, as

<sup>1.</sup> All statutory references are to the Business and Professions Code (Code) unless otherwise indicated.

defined in regulations adopted by the committee, of a licensed psychologist, or board certified psychiatrist, who shall be responsible for insuring that the extent, kind, and quality of the psychological services he or she performs are consistent with his or her training and experience and be responsible for his or her compliance with the provisions of this chapter and regulations duly adopted hereunder, including those provisions set forth in Section 2960.

- "(d) The licensed psychologist, board certified psychiatrist, contract clinic, psychological corporation, or medical corporation, has registered the psychological assistant with the committee. The registration shall be renewed annually in accordance with regulations adopted by the committee. No licensed psychologist may register, employ, or supervise more than three psychological assistants at any given time unless specifically authorized to do so by the committee. No board certified psychiatrist may register, employ, or supervise more than one psychological assistant at any given time. No contract clinic, psychological corporation, or medical corporation may employ more than 10 such assistants at any one time. No contract clinic may register, employ, or provide supervision for more than one psychological assistant for each designated full-time staff psychiatrist who is qualified and supervises the psychological assistants. No psychological assistant may provide psychological services to the public for a fee, monetary or otherwise, except as an employee of a licensed psychologist, licensed physician, contract clinic, psychological corporation, or medical corporation.
- "(e) The psychological assistant shall comply with regulations that the committee may, from time to time, duly adopt relating to the fulfillment of requirements in continuing education.
- "(f) No person shall practice as a psychological assistant who is found by the committee to be in violation of the provisions of Section 2960 and the rules and regulations duly adopted thereunder."

request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

#### FACTUAL BACKGROUND

- 8. At no time relevant to the Causes for Discipline alleged herein was Respondent licensed as a psychologist or as a physician and surgeon.
- 9. Under Psychological Assistant Registration No. PSB 28182, Respondent's supervisor at all times, was Lino Valdivia, Ph.D.
- 10. Under Psychological Assistant Registration No. PSB 26364, Respondent's supervisor at all times, was Augusto Romero, Ph.D.
- 11. On or about February 1, 2000, Respondent entered into a contract for services with the East Valley Adult Day Health Care Center ("East Valley"), in the Sunland area of the City of Los Angeles. Under the contract, East Valley agreed to pay Respondent \$40.00 per hour for Respondent's professional services.
- 12. Drs. Romero and Valdivia did not work at East Valley, and did not supervise Respondent's work at East Valley. Respondent's work at East Valley was unsupervised by any psychologist, psychiatrist or other qualified health professional, within the meaning of section 2913, subdivision (c), of the Code, or Title 16, section 1391.5, of the California Code of Regulations.

#### FIRST CAUSE FOR DISCIPLINE

(Unlicensed Practice of Psychology -- Patient R.M.)

- 13. Respondent is subject to disciplinary action under sections 2903 and 2960, subdivision (k), of the Code, in that on or about June 23, 2000, he engaged in the unlicensed practice of psychology. The circumstances are as follows:
  - 14. On or about June 23, 2000, Respondent performed a

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All patients are referred to herein by their initials to protect their privacy. The full names of all patients will be disclosed to Respondent upon a timely request for discovery.

- 19. Respondent is subject to disciplinary action under section 2960, subdivision (r), of the Code, in that he committed repeated acts of negligence. The circumstances are as follows:
- 20. The facts and allegations contained in Paragraphs 14, 16 and 18, inclusive, are incorporated by this reference as though fully set forth.
- 21. Respondent's performance of the psychiatric/psychological evaluation of patient R.M. was a departure from the standard of care.
- 22. Respondent's performance of the psychiatric/psychological evaluation of patient O.S. was a departure from the standard of care.
- 23. Respondent's performance of the psychiatric/psychological evaluation of patient H.C. was a departure from the standard of care.

#### FIFTH CAUSE FOR DISCIPLINE

(Unprofessional Conduct / Misrepresentation of License or Status)

- 24. Respondent is subject to disciplinary action under section 2902, subdivisions (c), (i), and (k), and section 2960, subdivisions (c) and (p), in that Respondent misrepresented his licensure or status, and/or functioned outside the field of his competence. The circumstances are as follows:
- 25. The facts and allegations contained in Paragraphs 8-12, 14, 16, and 18, inclusive, are incorporated by this reference as though fully set forth.

#### SIXTH CAUSE FOR DISCIPLINE

(Unprofessional Conduct / Dishonest or Fraudulent Acts)

- 26. Respondent is subject to disciplinary action under section 2960, subdivision (n), in that Respondent committed dishonest or fraudulent acts. The circumstances are as follows:
- 27. The facts and allegations contained in Paragraphs 8-12, 14, 16, and 18, inclusive, are incorporated by this reference as though fully set forth.

#### 1 **PRAYER** 2 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Psychology issue a decision: 3 4 Revoking or suspending Psychological Assistant Number PSB 26364, 1. issued to Eduardo S. Urenda; 5 Revoking or suspending Psychological Assistant Number PSB 28182, issued 6 7 to Eduardo S. Urenda; 8 Ordering Eduardo S. Urenda to pay the Board of Psychology the 3. reasonable costs of the investigation and enforcement of this case, and, if placed on probation, 9 10 the costs of probation monitoring: 11 4 Taking such other and further action as deemed necessary and proper. 12 DATED: October 21, 2002 13 14 15 **Executive Officer** 16 Board of Psychology Department of Consumer Affairs 17 State of California Complainant 18 19 03598160-LA02 1812 TS:9-26-02 20 21 22 23 24 25 26

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### **DECLARATION OF SERVICE BY CERTIFIED MAIL**

In the Matter of the Accusation Filed Against:

#### Eduardo S. Urenda

No.: W243

I, the undersigned, declare that I am over 18 years of age and not a party to the within cause; my business address is 1422 Howe Avenue, Ste. 22 Sacramento, California 95825. I served a true copy of the attached:

#### **DECISION AND ORDER**

by mail on each of the following, by placing same in an envelope (or envelopes) addressed (respectively) as follows:

#### NAME AND ADDRESS

CERT NO.

Eduardo S. Urenda 3907 Rosemead Blvd., Ste. 100 Rosemead, CA 91770 7001 1940 0001 2974 8412

Eduardo S. Urenda 19919 Lassen Street Chatsworth, CA 91311 7001 1940 0001 2974 8429

Taylor Schneider Deputy Attorney General 300 S. Spring St., Ste. 1702 Los Angeles, CA 90013

Each said envelope was then on, <u>April 29, 2003</u>, sealed and deposited in the United States mail at Sacramento, California, the county in which I am employed, as certified mail, with the postage thereon fully prepaid, and return receipt requested.

Executed on, <u>April 29, 2003</u>, at Sacramento, California. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Mary Lasckmann Enforcement Analyst